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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/168,644	10/08/1998	MARK D. CONOVER	2134	2742

7590 02/12/2002

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EXAMINER	
LEE, RICHARD J	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8/4

Office Action Summary

Application No.	Applicant(s)
09/168,644	Conover
Examiner	**Art Unit**
Richard Lee	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) [X] Responsive to communication(s) filed on *Dec 7, 2001* .

2a) [ ] This action is **FINAL.** 2b) [X] This action is non-final.

3) [ ] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) [X] Claim(s) *1-7* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) [ ] Claim(s) _____ is/are allowed.

6) [X] Claim(s) *1-7* is/are rejected.

7) [ ] Claim(s) _____ is/are objected to.

8) [ ] Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) [ ] The specification is objected to by the Examiner.

10) [ ] The drawing(s) filed on _____ is/are objected to by the Examiner.

11) [ ] The proposed drawing correction filed on _____ is: a) [ ] approved b) [ ] disapproved.

12) [ ] The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) [ ] Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) [ ] All b) [ ] Some* c) [ ] None of:

1. [ ] Certified copies of the priority documents have been received.
2. [ ] Certified copies of the priority documents have been received in Application No. _____ .
3. [ ] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) [ ] Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) [X] Notice of References Cited (PTO-892)
16) [ ] Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) [ ] Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) [ ] Interview Summary (PTO-413) Paper No(s). _____
19) [ ] Notice of Informal Patent Application (PTO-152)
20) [ ] Other:

1. In view of the Brief filed December 7, 2001 and the newly discovered Gordon (6,324,217) and Florencio (6,310,919) references, the finality of the last Office Action is hereby withdrawn. A non-final Office Action follows. The Examiner apologizes for any inconvenience that this may have caused.

2. Claim 4 is objected to because of the following informalities: At claim 4, line 1, "employed" should be changed to "used" for clarity. Appropriate correction is required.

3. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The particular claim to the "MPEG-1" and "MPEG-2" recommendations as shown in claims 2 and 3, respectively, are indefinite because there are many versions of the MPEG-1 and MPEG-2 recommendations and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the specification states a specific MPEG-1 and MPEG-2 version and date or a copy of the MPEG-1 and MPEG-2 recommendations are provided, the claims are indefinite. The recommendations are constantly changing, even up to the filing date of the application. Basically, the time frame between when the invention was reduced to practice till the time the application is filed, for example, there could be various versions of the recommendations. And unless the versions and dates of the recommendations are provided, the metes and bounds of the claimed limitations are not clearly set forth, and thus renders the claims indefinite.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Gordon (6,324,217).

Gordon discloses a method and apparatus for producing an information stream having still images as shown in Figures 1 and 3, and the same method for producing a compressed video bitstream that includes compressed video data for a plurality of frames that specifies a single still image as claimed in claim 1, comprising the same fetching that data for the still image (see input to 110 of Figure 1); encoding (i.e., 110 of Figure 1) the data for the single still image data into data for an intra frame; storing (i.e., 121 of Figure 1) the encoded I frame data; assembling the compressed video bitstream by appropriately combining data for at least a single copy of the stored I frame (i.e., from 120 of Figure 1, see column 3, lines 36-47, column 3, line 61 to column 5), at least one null frame (i.e., from 120 of Figure 1, see column 3, lines 36-47, column 3, line 61 to column 5), and various headers required for decodability of the compressed video bitstream (see column 4, lines 5-43); and whereby decoding of the compressed video bitstream produces frames of video which produce images that do not appear to pulse visually (see column 7, lines 26-49).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as applied to claim 1 in the above paragraph (5), and further in view of Davis et al of record (5,838,678).

Gordon discloses substantially the same method for producing a compressed video bitstream as above, further wherein the assembled compressed video bitstream is decodable in accordance with the MPEG-1 and MPEG-2 standards (see column 3).

Gordon does not particularly disclose though the followings:

(a) wherein null frames assembled into the compressed video bitstream also include bitstream stuffing whereby the compressed video bitstream is transmittable at a pre-established bitrate as claimed in claim 5;

(b) the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream, at a beginning of group of pictures, a group start code, for each encoded frame, a picture start code, and a sequence end code ending the compressed video bitstream as claimed in claims 2 and 6; and

(c) the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream; for each encoded frame a picture header, and a

picture coding extension; and a sequence end code ending the compressed video bitstream as claimed in claims 3 and 7.

Regarding (a) to (c), Davis et al discloses a method and device for preprocessing streams of encoded data to facilitate decoding streams back to back as shown in Figures 2, 3A, 3B, 5, and 6, and teaches the conventional assembling of the compressed video bitstream by appropriately combining data for headers such as sequence header, group start code, picture start code, sequence end code, picture header, and picture coding extension (see column 3, line 41 to column 4, line 16), as well as bitstream stuffings whereby the compressed video bitstream may be transmitted at a pre-established bitrate (see Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Gordon and Davis et al references in front of him/her, would have had no difficulty in providing the required header data for the MPEG encoding/decoding as well as including the bitstream stuffings in the compressed video bitstream as shown in Davis et al for the compressed video data within encoder and decoder of Gordon for the same well known video bit processing and standard compliance purposes as claimed.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as applied to claim 1 in the above paragraph (5), and further in view of Florencio (6,310,919).

Gordon discloses substantially the same method for producing a compressed video bitstream as above, but does not particularly disclose wherein parameters employed in encoding the data for the still image produce an amount of data for the I frame that approaches, but remains less than, storage capacity of a buffer memory included in a decoder that stores the compressed

video bitstream as claimed in claim 4. The particular storage of compressed video bitstreams within a decoder is however old and well recognized in the art, as exemplified by Florencio (see 111 of Figure 1 and column 5, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art, having the Gordon and Florencio references in front of him/her and the general knowledge of storage buffers within video image decoders, would have had no difficulty in providing the buffer memory within the decoder of Florencio for storage of and decoding of the compressed video bitstream of Gordon for the same well known buffer of data purposes as claimed.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

1/31/02

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